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ATTORNEYS FOR PLAINTIFFS

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHINA CENTRAL TELEVISION, a China company; CHINA INTERNATIONAL COMMUNICATIONS CO., LTD., a China company; TVB HOLDINGS (USA), INC., a California corporation; and DISH NETWORK L.L.C., a Colorado corporation, Plaintiffs,

CREATE NEW TECHNOLOGY (HK) LIMITED, a Hong Kong company; HUA YANG INTERNATIONAL TECHNOLOGY LIMITED, a Hong Kong company; SHENZHEN GREATVISION NETWORK TECHNOLOGY CO. LTD., a China company; CLUB TVPAD, INC., a California corporation; BENNETT WONG, an individual, ASHA MEDIA GROUP INC. d/b/a TVPAD.COM, a Florida corporation; AMIT BHALLA, an individual; NEWTVPAD LTD. COMPANY d/b/a NEWTVPAD.COM a/k/a TVPAD USA, a Texas corporation; LIANGZHONG ZHOU, an individual; HONGHUI CHEN d/b/a E-DIGITAL, an individual; JOHN DOE 1 d/b/a BETV; JOHN DOE 2 d/b/a YUE HAI; JOHN DOE 3 d/b/a 516; JOHN DOE 4 d/b/a HITV; JOHN DOE 5 d/b/a GANG YUE; JOHN DOE 6 d/b/a SPORT ONLINE; JOHN DOE 7 d/b/a GANG TAI WU XIA; and JOHN DOES 8-10,

Case No.
CV 15-1869 MMM (AJWx)

**REPLY IN SUPPORT OF
PLAINTIFFS' MOTION TO
HOLD DEFENDANT CREATE
NEW TECHNOLOGY (HK)
LIMITED IN CONTEMPT;
DECLARATION OF CARLA
A. MCCUALEY AND
EXHIBITS A AND B**

Date: October 13, 2015
Time: 10:00 a.m.
Courtroom: 780
Judge: Hon. Margaret M.
Morrow

Complaint Filed: March 13, 2015

1 Plaintiffs China Central Television, China International Communications Co.,
 2 Ltd., TVB Holdings (USA), Inc. and DISH Network L.L.C. (collectively “Plaintiffs”)
 3 respectfully request that Plaintiffs’ Motion to Hold Create New Technology (HK)
 4 Limited in Contempt (“Contempt Motion”) be submitted without the necessity for a
 5 hearing, as no oral argument is required given the failure of Create New Technology
 6 (HK) Limited (“CNT”) to file any opposition to the Motion, and that the Court enter
 7 Plaintiffs’ requested relief as soon as practical.

8 Plaintiffs filed the Contempt Motion against CNT on August 26, 2015,
 9 concurrently filing an *ex parte* requesting that the hearing on the Contempt Motion
 10 be advanced to the earliest possible date on the Court’s calendar. *See* Dkt. No. 110.
 11 Plaintiffs gave notice to CNT of both the Contempt Motion and the pending *ex parte*
 12 through personal service on CNT’s registered offices in Hong Kong on August 26,
 13 2015. *See* Dkt. No. 109-4. The Court granted Plaintiffs’ request for an advanced
 14 hearing date of October 13, 2015 by Order dated August 27, 2015. *See* Dkt. No. 112.
 15 Plaintiffs promptly gave CNT notice of the advanced hearing date, again through
 16 personal service of the Court’s Order on CNT’s registered offices in Hong Kong.
 17 *See* Declaration of Carla A. McCauley (“McCauley Decl.”) Ex. A.

18 Based on the Court’s Order, any opposition to the Motion to Contempt by
 19 CNT had to be filed not later than September 22, 2015. Local Rule 7-9. CNT failed
 20 to file any Opposition. McCauley Decl. ¶3. CNT’s violation of this Court’s
 21 preliminary injunction order also continues unabated, as CNT’S efforts to sell and
 22 advertise the TVpad through websites that also encourage the continuing
 23 infringement of Plaintiffs’ copyrighted programming has not ceased. McCauley
 24 Decl. Ex. B. Furthermore, as detailed in Plaintiffs’ pending Motion for Default
 25 Judgment, CNT continues to stream Plaintiffs’ copyrighted content through the
 26 TVpad devices—again, in continuing violation of this Court’s preliminary injunction
 27 order. *See* Dkt. No. 125 at pp. 92-93 (Declaration of Nicholas Braak ¶¶12-14).
 28

1 In light of CNT's failure to respond to the Contempt Motion notwithstanding
2 receiving personal service of the Motion and this Court's Order advancing the
3 hearing, and CNT's ongoing violation of the preliminary injunction order, Plaintiffs'
4 respectfully request that the Court submit this matter without a hearing, unless the
5 Court determines that it requires additional information that Plaintiffs can provide to
6 the Court at the hearing during oral argument. In the event this matter is submitted,
7 Plaintiffs request that the Court enter Plaintiffs' requested relief, including a coercive
8 daily fine and Plaintiffs' attorneys' fees, as soon as practical and without further
9 delay.

10 DATED: September 28, 2015

DAVIS WRIGHT TREMAINE LLP
CARLA A. McCUALEY
ROBERT D. BALIN (*pro hac vice*)
LACY H. KOONCE, III (*pro hac vice*)
SAMUEL BAYARD (*pro hac vice*)
GEORGE WUKOSON (*pro hac vice*)

14 By: _____ /s/Carla A. McCauley _____
15 Carla A. McCauley

16 Attorneys for Plaintiffs
17 CHINA CENTRAL TELEVISION; CHINA
18 INTERNATIONAL COMMUNICATIONS
CO., LTD.; TVB HOLDINGS (USA), INC.;
AND DISH NETWORK L.L.C.

DECLARATION

DECLARATION OF CARLA A. MCCUALEY

I, Carla A. McCauley, declare as follows:

3 1. I am licensed to practice law before all the courts in the State of
4 California and am admitted to the Central District of California and the United States
5 Court of Appeals for the Ninth Circuit. I am a partner at Davis Wright Tremaine
6 LLP, counsel for Plaintiffs in the above-entitled matter. I submit this Declaration in
7 support of Plaintiffs' Motion to Hold Defendant Create New Technology (HK)
8 Limited ("CNT") in Contempt of Court (the "Contempt Motion"). I have personal
9 knowledge of the facts contained herein, and, if called upon as a witness, I could and
10 would testify competently about these facts, except for those matters stated expressly
11 upon information and belief, which matters are believed to be true.

12 2. On August 28, 2015, I emailed to Plaintiffs' local counsel in Hong Kong
13 a copy of this Court's Order granting Plaintiffs' *ex parte* to advance the hearing date
14 on Plaintiffs' Contempt Motion, with instructions to have a solicitor personally serve
15 the Order on CNT at its registered office in Hong Kong. Plaintiffs' Hong Kong
16 solicitor executed service on August 31, 2015, and promptly returned to me a Proof
17 of Service, a true and correct copy of which is attached hereto as **Exhibit A**.

18 3. CNT's deadline to file a response to Plaintiffs' Contempt Motion was
19 September 22, 2015. CNT has not filed any response to the Contempt Motion.

20 4. Since the filing of Plaintiffs' Contempt Motion, CNT continues to offer
21 for sale the TVpad device on its website (mtvpad.com), continues to sponsor the fan
22 forum (where users post recommendations for accessing infringing content, including
23 CCTV and TVB content), and advertise the device on Facebook, including by
24 referencing Plaintiffs' content. Attached as **Exhibit B** are an assortment of true and

25 ///
26 ///

1 correct print-outs from the TVpad store on mtvpad.com, the TVpad Facebook page,
2 and the fan forum (with a translation I rendered using Google Translate while I
3 visited the fan forum website), all of which I printed on September 25, 2015.

4 I declare under penalty of perjury under the laws of the United States of
5 America that the foregoing is true and correct.

6 Executed this 28th day of September, 2015.

7 /s/ Carla A. McCauley

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Carla A. McCauley

EXHIBIT A

1 CARLA A. McCUALEY (State Bar No. 223910)
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19 ATTORNEYS FOR PLAINTIFFS

20 UNITED STATES DISTRICT COURT
21 CENTRAL DISTRICT OF CALIFORNIA

22 CHINA CENTRAL TELEVISION, a China
23 company; CHINA INTERNATIONAL
24 COMMUNICATIONS CO., LTD., a China
25 company; TVB HOLDINGS (USA), INC., a
26 California corporation; and DISH
27 NETWORK L.L.C., a Colorado limited
liability company,

28 Plaintiffs,
vs.
CREATE NEW TECHNOLOGY (HK)
LIMITED, a Hong Kong company; HUA
YANG INTERNATIONAL TECHNOLOGY
LTD., a Hong Kong company; SHENZHEN
GREATVISION NETWORK
TECHNOLOGY CO. LTD., a China
company; CLUB TVPAD, INC., a California
corporation; BENNETT WONG, an
individual; ASHA MEDIA GROUP INC.
d/b/a TVPAD.COM, a Florida corporation;
AMIT BHALLA, an individual;
NEWTVPAD LTD CO. a/k/a TVPAD USA,
a Texas corporation; LIANGZHONG ZHOU,
an individual; HONGHUI CHEN d/b/a e-
Digital, an individual; JOHN DOE 1 d/b/a
BETV; JOHN DOE 2 d/b/a YUE HAI; JOHN
DOE 3 d/b/a 516; JOHN DOE 4 d/b/a HITV;
JOHN DOE 5 d/b/a GANG YUE; JOHN
DOE 6 d/b/a SPORT ONLINE; JOHN DOE 7
d/b/a GANG TAI WU XIA; and JOHN DOES
8-10,

} Case No.
CV 15-1869 MMM (AJWx)

} **PROOF OF SERVICE BY HAND
DELIVERY**

Defendants.

PROOF OF SERVICE BY HAND DELIVERY

I am employed and qualified as a solicitor in Hong Kong Special Administrative Region of the People's Republic of China, I am over the age of 18 and not a party to the within action. My business address is 57/F Cheung Kong Center, 2 Queen's Road Central, Hong Kong.

On August 31, 2015, I served the following document(s):

1. ORDER GRANTING PLAINTIFFS' EX PARTE APPLICATION TO ADVANCE THE HEARING ON PLAINTIFFS' MOTION TO HOLD DEFENDANT CREATE NEW TECHNOLOGY (HK) LIMITED IN CONTEMPT

on the below parties in this action or proceeding, by personally delivering a copy thereof, enclosed in a sealed envelope(s), to the addressee(s) at the following address(es):

Create New Technology (HK) Limited, Room D, 10/F., Tower A, Billion Centre, 1 Wang Kwong Road, Kowloon Bay, Kowloon, Hong Kong

Executed on August 31, 2015, at Hong Kong Special Administrative Region of the People's Republic of China.

Federal I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I have served the above referenced documents at the direction of a member of the bar of this Court.

HUNG KIN WING

Print Name

Signature

GZJ KDKV'D"



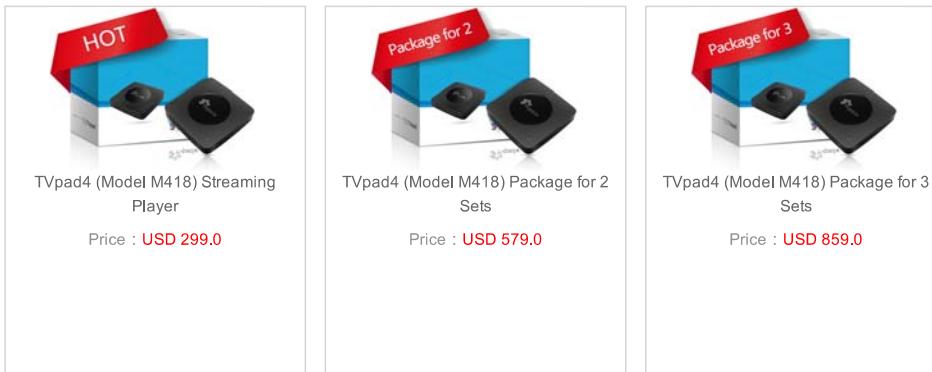
Home

Store

TVpad4

TVpad News

Home > New Arrivals (3)

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(00852)2134-9910**

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**EXHIBIT B**

參與Facebook、微信、fans論壇【隨手拍中秋】
活動獲取折上折優惠，更低至\$249！

TVpad 點擊購買 Product/Service

Shop Now Like Message ...

Timeline About Photos 曬新春有獎活動 More

3,969 people like this

Invite friends to like this Page

ABOUT

Let all Chinese people around the world exclusively stream on Chinese TV & VOD without monthly fees because of TVpad <http://www.mtvpad.com/>

<http://www.mtvpad.com/>

PHOTOS

APPs

曬新春 贏取TVpad4 曬新春有獎活動

YouTube TVpad YouTube 主頁

Post Photo / Video

Write something...

Post

TVpad August 4 · Edited ·

親愛的TVpad用戶，由於TVpad facebook 工作人員不是全天候在線，答疑如需要即時服務，請聯系熱線電話或官網在線客服，或者到fans club 留言，以下聯系方式全天候在線。

TVpad官網線上客服: <http://www.mtvpad.com/>
TVpad官方論壇 (fans club) : <http://www.tvpadfans.com/>
7*24小時銷售/售後熱線: ... See More

See Translation

TVpad海外高清中文直播電視—TVpad官方商城

TVpad為全球華人提供海量高清中文電視節目，是目前最流行的電視盒子，擁有中文節目直播、點播，時移等多种形式，提供最新最熱中文影視、體育，財經，教育，宗教，港澳臺及日韓經典影視點播。

MTVPAD.COM

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20 people like this. Top Comments

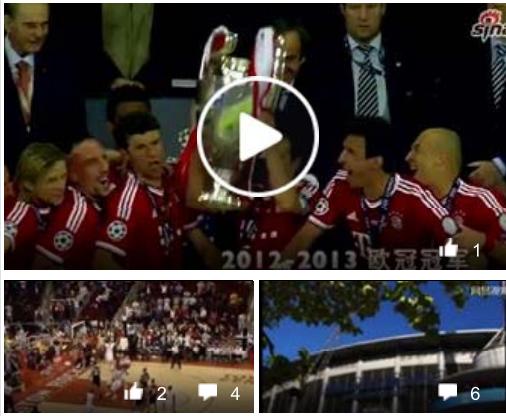
2 shares

Write a comment...



禮品券

VIDEOS



NOTES

北京时间5月26日欧冠决赛前瞻
May 24, 2013

About TVpad

December 25, 2012

爆！PPS、PPTV、YOUKU、BETV、迅雷、UUSEE、5...
June 2, 2011

VISITOR POSTS

 Michyoru Nyc
Yesterday at 5:26pm

近日三日粵海時移翡翠台的聲音變得十分不清晰，，破音十分不好聽，投訴三天沒有改善，服務員表現不理睬，本人十分不滿，TVPAD服務就是這樣!?

[Like](#) · [Comment](#)

 Brandon Duong
September 23 at 5:18pm

What are the best cantonese vod apps? I'm looking for
港粤快看 but cant find it.

[Like](#) · [Comment](#)

 Kevin Schouten
September 22 at 3:39pm

Hi der tvpad, everytime when i visite your website it
keep saying tha... [See More](#)

[Like](#) · [Comment](#)

LIKED BY THIS PAGE



Lilly Ly [#4872](#) What of the app I can upload to watch Hong Kong TVB show or drama. Thanks

[Like](#) · [Reply](#) · August 6 at 5:35pm

 **TVpad** 港粵網絡電視, HKTV, 粵海時移, 粵海寬頻等
[See Translation](#)

[Like](#) · [Reply](#) · August 6 at 7:05pm

[View more replies](#)



Shirley Wong 最近聽說第一,二代的tvpad機種都要換上Tvpad4才能收看高清,如果唔換的話,是否所有節目都看不到?還是部份看不到呢?

[See Translation](#)

[Like](#) · [Reply](#) · August 22 at 4:30am

[View previous replies](#)

 **TVpad** 高清的台不能看, 其他的可以
[See Translation](#)

[Like](#) · [Reply](#) · September 6 at 12:42am

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TVpad

September 19 at 1:38am

Photo-hunter hunts for photo of the Mid-Autumn day! It's time for your show! Show us your life, show us your family, show us your snack and show us everything of your Mid-Autumn day! Come on! Don't be shy! Move your finger and join us, Input a sentence + your photograph @ Facebook account No. of TVpad. An ultra amazing price \$249/pc is waving to you Everybody, let's go for it!!!



[Like](#) · [Comment](#) · [Share](#)

2 people like this.



Candy Xie 現在买是多少价?

[See Translation](#)

[Like](#) · [Reply](#) · September 23 at 2:07am

TVpad

September 17 at 11:20pm · Edited

中秋作爲大家喜聞樂見的節日TVpad怎麼可能會沒有禮物呢？\$259的價格的折扣價是不是很贊啦？你以爲就只有醬紫啦，NONONO，還有折上折耶！那怎麼樣才可以獲得折上折呢？

參與方式：

可以是你最難忘的一次中秋節或者和家人的合照，也可以是隨手拍的月亮、月餅以及中秋節大餐，還可以是最有意思過、最孤單過、最幸福過、最好玩過、最刺激過、最傷心過、最溫馨過等各種過法！

[facebook玩法: ... See More](#)

[See Translation](#)

TVpad #4873



bananaTV



中国好声音



BETV

English (US) · Privacy · Terms · Cookies · Advertising ·
 Ad Choices · More ·
 Facebook © 2015



7 people like this.

Top Comments ▾

1 share



Write a comment...



Simon Gor Mean you trade your old one in and u pay \$259 ?
 How about i trade my old one in and pay \$159 ?

Like · Reply · September 18 at 6:34am

TVpad 259USD is the Mid-Autumn Festival special for the new customers. If you exchange, you should order as the original price 299USD first, then you can enjoy 130USD discount.

Like · Reply · September 19 at 1:23am

Robert Koops In english please!

Like · Reply · September 18 at 12:07am · Edited

TVpad OK

Like · Reply · 1 · September 18 at 12:17am

View 8 more comments



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#4874

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 Portal BBS Products Fans Service Buy Investment

首页 > 论坛 > fans休闲区 > 体育赛事 > 歐冠盃UEFA Champions League開始了

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[足球天下] 歐冠盃UEFA Champions League開始了 [复制链接]



cheungyingfun 发表于 2015-9-15 02:41:24 | 只看该作者 ►

楼主 电梯直达

各位坛友和足球迷們: 15-16年度歐冠盃UEFA Champions League開始了

北京日期	時間	对赛隊伍	tvpad 轉播台
9月16日	02:45	皇家馬德里Real Madrid VS 薩克達 Shakhtar Donetsk	CCTV+5
9月16日	02:45	Manchester City 曼城 VS 祖雲達斯 Juventus	CCTV5
9月17日	02:45	Roma 羅馬 VS 巴塞隆拿 Barcelona	CCTV5
9月17日	02:45	Olympiakos 奧林比亞高斯 VS 拜仁慕尼黑 Bayern München	CCTV+5



歡迎各位球迷準時收看, 謝謝捧場。

本主题由 hicuagain 于 2015-9-15 03:07 设置高亮

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Portal	BBS	Products	Fans	Service	Buy	Investment

» Forum » fans Lounge » Sport » Champions League UEFA Champions League begins

发帖

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View: 168 | Reply: 1

[World football] Champions League UEFA Champions League begins [copy Link]

cheungyingfun published in 2015-9-15 02:41:24 | Show author ▶

Landlord A lift

Members Friends of the altar and football fans: 15--16 annual Champions League UEFA Champions League began a date and time for the Beijing tournament team tvpad relay stations at 02:45 on September 16 Real Madrid Real Madrid VS Shakhtar Donetsk Shakhtar Donetsk CCTV + 5 Sept. 16 Day 02:45 Manchester City Manchester City VS Juventus Juventus CCTV5 9月17日02:45 Roma Roma VS Barcelona Barcelona CCTV5 9月17日02:45 Olympiakos Olympiakos VS Bayern Munich Bayern München CCTV + 5 welcome all the fans time to watch, thank you join.

TA's daily mood

Happ



y

Yesterday
00:00Registration days:
1212 days[LV.10] to the altar at
home III

This topic is highlighted by the hicuagain set at 2015-9-15 03:07

Share to: QQ Friends and group QQ space Tencent microblogging Tencent friends

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opposition

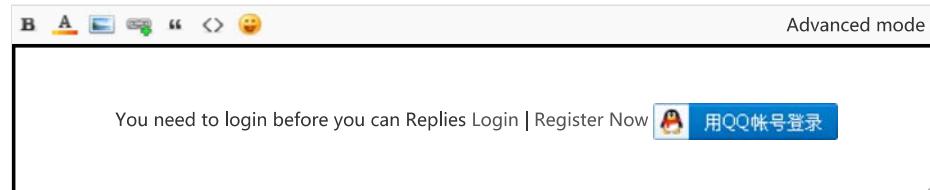
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